HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.29894 OF 1998

Between:

P.Dayakar

. . .Petitioner

AND

The Tirumala Tirupati Devasthanams and another

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri P.Chakravarthy
for Shri O.Manohar Reddy

Counsel for the respondents : Shri V.Narasimha Goud
for Shri A.K.Jayaprakash Rao

Dated: 3rd October, 2007

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The petitioner – P.Dayakar who was appointed in the Services of Tirumala Tirupati Devasthanams (for short, 'TTD') on compassionate ground in 1994 has filed this petition for quashing proceedings-cum-order dated 09.10.1998 issued by Executive Officer, TTD for recovery of Rs.94,218.20 ps. from his salary on account of the alleged mis-crediting of the said amount to the account of his father Shri P.Subramanyam Achary.

The petitioner's father worked as a Driver in the employment of TTD till he was retired on medical invalidation. In the special audit conducted in 1996, it was found that a sum of Rs.94,218.20 ps. was miscredited in the account of petitioner's father and on that basis, the concerned officer passed the impugned order.

Shri Narasimha Goud, learned counsel appearing for Shri A.K.Jayaprakash Rao, Standing Counsel for TTD very fairly submitted that the order under challenge is legally unsustainable.

In view of the fair stand taken by the learned counsel, the writ petition is allowed and order dated 09.10.1998 is quashed. However, it is made clear that this order will not adversely effect the adjudication of civil suit (O.S.No.107 of 1998) instituted by TTD against the petitioner's father Shri P.Subramanya Achary which is pending in the Court of Principal Junior Civil Judge, Tirupati.

G.S.SINGHVI, CJ

3rd October, 2007

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